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| <p>163. Clerk receiving and delivering any process for another county shall mail to the clerk of such county a certificate of the facts.</p> <p>164. Penalty for neglect of sections 161-163.</p> <p>165. Expenses of postage and compensation for transmission, how to be paid.</p> <p>166. Process to another county may be sent by the clerk by any person as well as by mail.</p> <p>167. Service on the sheriff, where there is no coroner, how to be made.</p> | <p>168. Court may appoint elisor where there is no coroner to serve process in cases in which the sheriff is interested.</p> <p>169. Power of elisor so appointed.</p> <p>170. Vacancy to be filled by the court.</p> <p>171. Process from counties to be made returnable to superior court of Baltimore city.</p> <p>172. Where service of process is forcibly resisted, how service to be made.</p> |
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1904, art. 75, sec. 1. 1888, art. 75, sec. 1. 1860, art. 75, sec. 1. 1856, ch. 112.

1. The practice, proceedings and pleadings in the several courts of law shall be the same that were used and practised in the courts of law of this State at the time of the adoption of the constitution of 1851, except so far as the same are altered and changed by this code.

Where a defendant is not summoned, and one or more terms pass without the process being renewed, the action is thereby discontinued. *Hazelhurst v. Morris*, 28 Md. 72.

As to pleading, practice and process in equity, see art. 16, sec. 139, *et seq.*

I.

PLEADINGS.

Ibid. sec. 2. 1888, art. 75, sec. 2. 1860, art. 75, sec. 2.
1856, ch. 112, sec. 52.

2. Whatever facts are necessary to constitute the ground of action, defense, or reply, as the case may be, shall be stated in the pleading and nothing more; and facts only shall be stated and not arguments, or inferences, or matter of law or of evidence, or of which the court takes notice *ex officio*.

Demurrers dealt with.

Under sections 2 to 7, a demurrer to the entire declaration will be overruled if there is one count sufficient in substance. (See also, section 9.) *Spencer v. Trafford*, 42 Md. 15.

The statement of a multiplicity of facts constituting the defense and material to its conclusiveness, even if there was surplusage, is no ground of demurrer under this and the following sections. *Deford v. Hewlett*, 49 Md. 62.

In a suit on an executor's bond, the will is a mere matter of evidence which, under this section, need not be set out. *Ruby v. State*, 55 Md. 488.

A declaration in trespass *q. c. f.* alleging the opening of the plaintiff's mines, held sufficient under this and the following section. *Barton Coal Co. v. Cox*, 39 Md. 33.

A declaration held too general and indefinite. *Gent v. Cole*, 38 Md. 113.

Pleas held demurrable under this section, because they stated conclusions or matters of law. *Aetna Indemnity Co. v. Fuller Co.*, 111 Md. 341.

A replication upheld under this section and sections 3 and 24. *Gott v. State*, 44 Md. 336.